

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 5206	DATE	9/12/2000
CASE TITLE	Joe N. Sherrod-Bey vs. Donald Snyder, Jr.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Order. Plaintiff's motion to file an amended complaint is granted. (7-1) Defendants Donald Snyder, Jr. George DeTella, Dwayne Clark, Kenneth Briley and Dr. Joseph Smith are dismissed from this action. The Clerk is directed to issue summons and forward to the United States Marshal for service. Plaintiff's motion for use of the prison law library is premature at is time. This Court will deal with all relevant aspects of this action at the November 13, 2000 status hearing.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	ED-7 FILED FOR DOCKETING 00 SEP 12 PM 1:48	number of notices	Document Number 10
<input type="checkbox"/>	No notices required.		SEP 13 2000	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		date docketed	
<input type="checkbox"/>	Notified counsel by telephone.		docketing deputy initials	
<input type="checkbox"/>	Docketing to mail notices.		9/12/2000	
<input type="checkbox"/>	Mail AO 450 form.		date mailed notice	
<input type="checkbox"/>	Copy to judge/magistrate judge.		SN	
SN	courtroom deputy's initials	Date/time received in central Clerk's Office	mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOE N. SHERROD-BEY, N-13582,)
)
 Plaintiff,)
)
 v. No. 00 C 5206
)
DONALD N. SNYDER, JR., et al.,)
)
 Defendants.)

EX-107
SEP 13 2000

MEMORANDUM ORDER

This Court's August 31, 2000 memorandum order ("Order") granted the Application To Proceed Without Prepayment of Fees ("Application") that had been filed pro se by Joe Sherrod-Bey ("Sherrod-Bey"), a prisoner in custody at Stateville Correctional Center ("Stateville"), pursuing his self-prepared 42 U.S.C. §1983 ("Section 1983") Complaint against a number of employees of the Illinois Department of Corrections ("Department"). As provided in 28 U.S.C. §1915(b)(1), that meant Sherrod-Bey is obligated to pay the \$150 filing fee in appropriate installments.

Now however Sherrod-Bey has taken a somewhat different tack. On September 7 he sent in these additional documents:

1. Motion To File an Amended Complaint, Instanter ("Pleading Motion");
2. Motion for Use of the Prison Law Library ("Library Motion"); and
3. a totally new Section 1983 Complaint ("Amended Complaint").

This memorandum order addresses each of those new filings.

As for the Pleading Motion, it effectively constitutes a voluntary dismissal of original Complaint Counts I and II and the consequent dismissal of five of the original defendants:

Department Director Donald Snyder, Jr., Department Chief Deputy Director George DeTella, Department Assistant Deputy Director Dwayne Clark, Stateville Warden Kenneth Briley and Stateville Medical Director Dr. Joseph Smith. That motion is granted, and those defendants are dismissed from this action.

As for the Library Motion, that is really premature. Depending on the responsive pleading that is received from the remaining three defendants, this Court will determine whether or not to appoint pro bono counsel to represent Sherrod-Bey (Order at 3 has already set November 13, 2000 as the next status hearing date in this action, and this Court expects to deal with all relevant aspects of this action then).

Finally, leave is granted to file the Amended Complaint. It essentially repeats the allegations of Counts III through VI of the original Complaint, renumbering the counts as new Counts I through IV and renumbering the paragraphs setting out Sherrod-Bey's allegations against remaining defendants Department Assistant Deputy Director James Page, Joliet Correctional Center Assistant Warden Jerome Springborn and Stateville Adjustment Committee Chairman Adrianna Johnson. That in turn limits the

directive for service of process that was contained in the Order to those three remaining defendants.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur", written in black ink.

Milton I. Shadur
Senior United States District Judge

Date: September 12, 2000